Changes in Army Laws

*337. SHRI K. RAHMAN KHAN: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that the Supreme Court has held that Army laws are outdated and need immediate change while examining the validity of a GCM (General Court Martials) proceedings;

(b) whether it is also a fact that similar observations were made earlier by the Apex Court in 1982; and

(c) if so, what are the details in this regard and by when changes are likely to be made in the Army Act?

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): (a) to (c) The Supreme Court in the case of "Union of India and another versus Charanjit S. Gill and others" Civil Appeal No. 2865 of 2000 inter alia observed, "Even today the law relating to Armed Forces remains static which requires to be changed keeping in view the observations made by this Court in Prithi Pal Singh Bedi's case (supra), the constitutional mandate and the changes effected by other democratic countries. The time has come to allay the apprehension of all concerned that the system of trial by Court Martial was not the arch type of summary and arbitrary procedings". The Law Commission of India in its report on amendment of Army, Navy and Air Force Acts, has taken into account the observations of the court in the case of "Lt. Col Prithi Pal Singh Bedi versus Union of India and others" and recommended setting up of separate Tribunal (s) for the Armed Forces. On consideration of these recommendations, Government have decided, in principle, to set up a statutory Armed Forces Tribunal for hearing of appeals against orders in cases of Court Martial as also for adjudication of service matters of Armed Forces personnel. Necessary legislative proposals are under consideration of the Government.

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